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MEMORANDUM ENDORSED

February 5, 2021

Via Electronic Filing

The Honorable Gregory H. Woods
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street, Courtroom 12C
New York, NY 10007

Re: CITGO Petroleum Corp. v. Ascot Underwriting Ltd., et al.
Case No.: 1:21-cv-00389-GHW

Dear Judge Woods:

This law firm represents Plaintiff CITGO Petroleum Corporation (“CITGO”) in the above-referenced matter.

Pursuant to Your Honor’s Individual Rules of Practice in Civil Cases 1(A), and the Court’s January 20, 2021 Order to Show Cause [Dkt. No. 24], CITGO, by and through its undersigned counsel, respectfully responds as follows.

CITGO’s suit satisfies the requirement of complete diversity of the parties necessary to establish this Court’s jurisdiction under 28 U.S.C. §1332, as elaborated in *E.R. Squibb & Sons, Inc. v. Accident & Casualty Insurance Co.*, 160 F.3d 925, 939 (2d Cir. 1998).

I. CITGO Petroleum Corporation.

As alleged in the Complaint, CITGO is a Delaware corporation with its principal place of business in Houston, Texas. [Dkt. No. 1 at ¶ 9].

II. Lloyd’s Underwriter Defendants.

As further alleged in the Complaint, the Lloyd’s Underwriter Defendants are members of certain unincorporated syndicates whose principal place of business is in London, England. [Dkt. No. 1 at ¶ 11]. Each respective syndicate consists of one or more members, called “Names.” Each member Name subscribing to the policy at issue in this case, who is an ultimate defendant in this litigation, is a corporation incorporated and with its principal place of business in a jurisdiction completely diverse from that of the Plaintiff. More specifically, on information and belief:

1. Lloyd’s Syndicate 1414’s sole member is Ascot Corporate Name Limited. Ascot Corporate Name Limited is a corporation organized and existing under

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the laws of the United Kingdom, with its principal place of business in London, England.

2. Lloyd's Syndicate 2001's sole member is MS Amlin Corporate Member Limited. MS Amlin Corporate Member Limited is a corporation organized and existing under the laws of the United Kingdom, with its principal place of business in London, England.
3. Lloyd's Syndicate 5000's sole members are AprilGrange UK Ltd and F&G UK Underwriters Ltd. AprilGrange UK Ltd is a corporation organized and existing under the laws of the United Kingdom, with its principal place of business in London, England. F&G UK Underwriters Ltd. is a corporation organized and existing under the laws of the United Kingdom, with its principal place of business in London, England.
4. Lloyd's Syndicate 2987's sole member is Brit UW Limited. Brit UW Limited is a corporation organized and existing under the laws of the United Kingdom, with its principal place of business in London, England.
5. Lloyd's Syndicate 5151's sole member is Endurance Corporate Capital Limited. Endurance Corporate Capital Limited is a corporation organized and existing under the laws of the United Kingdom, with its principal place of business in London, England.
6. Lloyd's Syndicate 1084's sole member is Chaucer Corporate Capital (No 3) Limited. Chaucer Corporate Capital (No 3) Limited is a corporation organized and existing under the laws of the United Kingdom, with its principal place of business in London, England.
7. Lloyd's Syndicate 3000's sole member is Markel Capital Limited. Markel Capital Limited is a corporation organized and existing under the laws of the United Kingdom, with its principal place of business in London, England.
8. Lloyd's Syndicate 2468's sole members are Sampford Underwriting Limited, Lavenham Underwriting Limited, and GAI Indemnity, Ltd. Sampford Underwriting Limited, Lavenham Underwriting Limited, and GAI Indemnity, Ltd are all corporations organized and existing under the laws of the United Kingdom, with their principal place of business in London, England.
9. Consortium 9146 is comprised of Lloyd's Syndicate 1980 and Lloyd's Syndicate 2088. Lloyd's Syndicate 1980's sole member is Liberty Corporate Capital Limited. Lloyd's Syndicate 2088's sole member is China Re UK Limited. Liberty Corporate Capital Limited and China Re UK Limited are both corporations organized and existing under the laws of the United Kingdom, with their principal place of business in London, England.

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10. The Complaint also alleges that the several share of each of the Lloyd's Underwriter Defendants in CITGO's loss exceeds \$75,000. [Dkt. No. 1 at ¶ 7].

III. Starstone Insurance SE.

As further outlined in the Complaint, Defendant Starstone Insurance SE is a Liechtensteiner corporation with its principal place of business in Schaan, Liechtenstein. [Dkt. No. 1 at ¶ 12]. Starstone Insurance SE also is alleged to bear responsibility for a portion of CITGO's loss exceeding \$75,000. [Dkt. No. 1 at ¶ 7].

* * *

Before initiating this litigation, CITGO, through counsel, met and conferred with counsel for the Defendants, who confirmed the citizenship and amount in controversy associated with each Defendant. Attached hereto as Exhibit 1, is a true and correct copy of a letter from the Defendants' counsel confirming the citizenship of each Defendant and satisfaction of the amount in controversy requirement.

Considering the foregoing, CITGO believes the pleadings adequately allege complete diversity of citizenship, and the Court has subject matter jurisdiction over this lawsuit. To the extent that the Court has remaining concerns about form of CITGO's jurisdictional pleading, CITGO respectfully requests leave to amend the Complaint to address any perceived deficiency. A Proposed First Amended Complaint, showing in redline the proposed revisions to the original Complaint, is attached as Exhibit 2 for the Court's reference.

Respectfully submitted,

/s/ Mark J. Plumer

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Application granted. Plaintiff's request for leave to file the amended complaint, Dkt. No. 29, is granted. The Court does not expect to take any further action on its own initiative with respect to this issue at this time.

SO ORDERED.

Dated: February 5, 2021


GREGORY H. WOODS
United States District Judge